

Rus, Jacob - Volume II

February 11, 2011

Page 288

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

TETRIS HOLDING, LLC and
THE TETRIS COMPANY, LLC,
Plaintiffs,

vs.

C.A. NO. 09-6115 (FLW) (DEA)

XIO INTERACTIVE, INC.,
Defendant.

VIDEOTAPED DEPOSITION OF

JACOB RUS, VOLUME II

February 11, 2011

1:17 p.m.

Ropes & Gray, LLP
800 Boylston Street
Boston, Massachusetts

Laurie J. Driggers, CCR, RPR, CRR, CLR

Rus, Jacob - Volume II

February 11, 2011

Page 325

1 blocks used in the Mino game that was released; is
2 that correct?

3 MS. MAITRA: Objection; calls for
4 speculation and lacks foundation.

5 A. I -- I believe that that's correct. You
6 could -- there's another file on this -- in this set
7 of files that includes all of the blocks that were
8 shipped in the final game, so -- I don't think that
9 there was an orange one, but it's possible. I...

10 Q. The -- the file layer screenshot -- Strike
11 that.

12 The colors -- Strike that.

13 When you did -- when you designed the blocks
14 for Mino that was released, did you change the colors?

15 MS. MAITRA: Objection; lacks foundation
16 and vague --

17 (Reporter interruption).

18 MR. KEHOE: "And form" I believe she
19 said.

20 MS. MAITRA: That's right.

21 A. I don't believe that actually changed the
22 colors is quite an accurate description, because when
23 I created the blocks -- the squares, the design of the
24 squares that went into the final game, I started with

Rus, Jacob - Volume II

February 11, 2011

Page 326

1 an empty square and I drew from scratch the appearance
2 of the squares in -- in that empty canvas unrelated to
3 any other -- unrelated to any other source material.

4 And the way that I chose the colors, there's
5 a -- there's a file in the directory, if you back up,
6 that has -- that has my color choices, and there's
7 also a file that's called something along the lines of
8 color picker or Mino picker or something like that,
9 that was the Photoshop file that I used to pick the
10 colors. And so I don't think really changed colors is
11 a -- is an accurate way of -- of describing it, but --
12 but the colors that I came up with for the game Mino
13 or that I -- that I -- that I -- that I chose for the
14 game Mino were unrelated to the colors in this
15 screenshot layer.

16 Q. So you made your own creative choices with
17 regard to the colors in Mino for the blocks; is that
18 correct?

19 MS. MAITRA: Objection; mischaracterizes
20 his testimony and vague.

21 A. I think that that would that be a fair
22 description.

23 If you want, I could explain how I chose the
24 colors. I don't know if that would be helpful.

1 any kind of color vision deficiency should still be
2 able to distinguish the different colors in the game.
3 And then I -- and then I tried to assign the -- the
4 lightnesses to the hues in such a way that all the
5 colors could be as vibrant and colorful as possible.

6 And then I -- and then I picked the most
7 colorful possible color for -- for a particular
8 combination of hue and lightness.

9 So the goal was ideally that these colors
10 would be as far apart as possible in a kind of
11 perceptually relevant color space, which would mean
12 that they were distinguishable by a person, so that
13 somebody looking at two of the colors could be able to
14 tell them apart with some -- you know, with some
15 reasonable expectation that -- that if they saw two
16 blocks, that they wouldn't look -- look the same and,
17 in fact, be different or look different and, in fact,
18 be the same.

19 Q. Do you like the colors of the blocks in Mino?

20 MS. MAITRA: Objection; vague.

21 A. I suppose I became somewhat attached to them
22 over the course of working with them for a while.

23 I -- sure, I could say that I like them.

24 Q. Do you find the colors in Mino for the blocks